

1 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
2 MONTANA, BUTTE DIVISION
3

4 KEVIN BRIGGS,

5 Plaintiff,

6 vs.

Case No. 18-0010-BU-BMM-JCL

7 GALLATIN COUNTY AND
8 JOHN DOES 1-8, AS
9 INDIVIDUALS AND IN THEIR OFFICIAL
CAPACITY AS DETENTION OFFICERS,

10 Defendants.

11 DEPOSITION UPON ORAL EXAMINATION OF
12 DAVID LAUCHNOR
13

14 BE IT REMEMBERED, that the deposition upon oral
15 examination of DAVID LAUCHNOR, appearing at the
16 instance of Plaintiff, was taken at
17 510 West Hemlock, Suite B1, Bozeman,
18 Montana 59715 on the 17th day of July
19 2019, beginning at the hour of 9:00 a.m. pursuant
20 to the Federal Rules of Civil Procedure, before
21 Marla Jeske, Court Reporter - Notary Public, CSR.
22
23
24
25

<p style="text-align: right;">Page 6</p> <p>1 questions, if you need clarification or you don't 2 understand a question, if you can please ask so 3 that I can provide clarification or perhaps 4 rephrase it in another way so that you understand 5 what I'm asking and so that you can give an 6 appropriate answer. 7 If you don't ask for clarification or 8 ask a question, I'm just going to assume that you 9 understand the question and the answer you've given 10 relates to that question. Does that make sense? 11 A. It does. 12 Q. Okay. Lastly, since we are being 13 transcribed, we need to try and make sure we give 14 yes or no, audible, verbal answers, not head shakes 15 or huh-uh's or uh-huh's because those don't really 16 translate well to a typewritten format. 17 So with kind of those ground rules in 18 place, do you have any questions or do you 19 understand anything -- or understand everything? 20 A. I understand what you say, yeah. 21 Q. Okay, great. 22 Last, but not least, this is not an 23 endurance test. This is not -- you know, we're not 24 looking to sweat anybody out. If you need a break, 25 please feel free to ask for really any reason, just</p>	<p style="text-align: right;">Page 8</p> <p>1 saw the video was when I spoke in court on this a 2 few years ago. 3 Q. Okay. Outside of that video -- and I 4 guess what video are you referring to? 5 A. It's the video recording of this fight 6 between Briggs and Smith, I believe. 7 Q. Okay. Have you reviewed any other audio 8 or video recordings outside of that, I guess it 9 would be surveillance video? 10 A. Not that I can recall. 11 Q. Okay. If I can just get a little bit 12 about your background. What's your educational 13 background? 14 A. I have a bachelor's in biological 15 science from MSU. 16 Q. Any other schooling outside of that? 17 A. Um, not other than law enforcement base 18 schools. 19 Q. What law enforcement base schools are 20 those? 21 A. I've been to Montana detention officer 22 Basic and the police and sheriff basic. I've been 23 to crisis response, um, a few others. Like our 24 physical fitness testing, there's a school for that 25 and Taser. I was a Taser instructor.</p>
<p style="text-align: right;">Page 7</p> <p>1 state that you need a break and we can take five, 2 ten minutes for whatever we need to do. 3 We'll probably take a break at some 4 point or another just to give everybody a chance to 5 stretch their legs. 6 One thing I do ask is if I have asked a 7 question and you do need a break, I ask that you 8 answer that question prior to us taking a break. 9 So getting into this, what have you done 10 to prepare for today's deposition? 11 A. I met with Alex and Sean at the 12 sheriff's office just to discuss the basics of the 13 case and look over some of our reports and e-mails 14 and the time line of what happened when Mr. Briggs 15 was in our detention center. 16 Q. And so what documents did you review in 17 preparation for this deposition? 18 A. Alex had a packet for me and it had a 19 lot of documents in it. 20 Q. Were they documents related to this 21 case? 22 A. Yes, sir. 23 Q. Okay. Did you review any audio or video 24 recordings related to the case? 25 A. Not recently. I think the last time I</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. And are those just certificate programs 2 or is it part of a degree? 3 A. They're certificate programs. 4 Q. And is that part of an ongoing training 5 that you have as a detention officer? 6 A. Yeah. 7 Q. Okay. I guess I don't want to jump the 8 gun there, how are you currently employed? 9 A. I'm a stay-at-home dad. 10 Q. Sorry, what was that? 11 A. I am a stay-at-home dad. 12 Q. Oh, okay. And prior to that what was 13 your employment? 14 A. Sheriff's officer or sheriff deputy. 15 Q. And was that -- when you say sheriff's 16 deputy, was that a street deputy, a patrol deputy? 17 What was your capacity? 18 A. A patrol deputy for the sheriff's office 19 here in Gallatin county. 20 Q. Okay. And prior to that what was your 21 employment? 22 A. Right before that I was a sergeant in 23 the detention center. 24 Q. When did you end your employment as a 25 sergeant in the detention center?</p>

<p style="text-align: right;">Page 10</p> <p>1 A. I believe it was around April 16th, 2 2016, somewhere in that month I believe. 3 Q. And prior to doing detention, how were 4 you employed? 5 A. Right before detention I worked at 6 Costco and before that I was a well site geologist 7 in North Dakota. 8 Q. If you don't mind me asking, why did you 9 leave law enforcement? 10 A. Because my wife has a good job and we 11 can afford for me to stay at home with our 12 daughter. 13 Q. Oh, great. 14 A. I think raising your own children is 15 preferable to paying someone to do it. 16 Q. I had twin boys and spent some time as a 17 stay-at-home father, so I fully respect what you're 18 doing. I think that's great. 19 Getting into this case, you're familiar 20 with the Plaintiff Mr. Kevin Briggs? 21 A. I am. 22 Q. And are you are you familiar with him? 23 A. I knew him from the time he spent in 24 Gallatin County Detention Center while I worked 25 there as a detention corporal, I believe.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Did you have any other participation in 2 that investigation? 3 A. No. 4 Q. And then when was your next interaction 5 with Mr. Briggs? 6 A. I met him when he came to the jail. I 7 don't believe I was there when he was booked in. 8 Q. But then you had interactions with him 9 while he was incarcerated there? 10 A. Yeah, he was there for quite awhile. I 11 saw him while I was at work quite a bit. 12 Q. Were you part of what's referred to I 13 guess as a treatment team at the Gallatin County 14 Detention Center? 15 A. I don't know what a treatment team is. 16 Q. I suppose that would be a team that 17 reviews classification and placement of individuals 18 within the jail facility? 19 A. We have a team meeting. It's a 20 combination of administration, officers, 21 supervisors, medical, and mental health. That's 22 probably what you're referring to; is that right? 23 Q. That's what I'm referring to, yes. 24 A. Yeah, I went to a lot of those meetings. 25 Q. Did you go to every meeting.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. And when did you first hear about 2 Mr. Kevin Briggs? 3 A. I was at work the morning that he 4 escaped from Bozeman PD, and I remember going into 5 central where our computers are to see if I could 6 see on our external cameras which direction he went 7 from the police department. 8 Q. So when he left the police department 9 was that the Gallatin County sheriff jail or was 10 that a separate facility? 11 A. So next door to the jail is a shared 12 building that has courts, Bozeman PD, and the 13 sheriff's office all in the same building and he 14 escaped from Bozeman PD's custody in an interview 15 room on their part of the building. 16 Q. And when you heard about that were you 17 assigned to review that video or did you take that 18 up on your own? 19 A. I was one of the two shift supervisors 20 on duty who have access to looking through all the 21 cameras and I was asked by Lieutenant Jarrett to 22 look through video and see if I could find 23 anything. 24 Q. Did you come up with anything? 25 A. I didn't.</p>	<p style="text-align: right;">Page 13</p> <p>1 A. No, they were on Mondays. And, like I 2 said, the supervisors would generally go, it would 3 either be myself or the sergeant and I went the 4 majority of the time but I did not go to all of 5 them. 6 Q. If you didn't attend a meeting, how 7 would you make yourself aware of what was discussed 8 at the meeting? 9 A. They e-mail out team notes after the 10 meeting, just updating everybody on any changes 11 they made or what the status is of people who were 12 reviewed. 13 Q. When Mr. Briggs was booked into the 14 Gallatin County Detention Center, do you recall 15 what his classification status was? 16 A. I believe they put him in alpha pod on 17 Ad Seg to figure out what he was going to be like 18 as an inmate. 19 Q. And I guess when I say "classification," 20 do you understand what I'm talking about there? 21 A. I do. I don't know whether we're 22 thinking the same thing. 23 Q. Well, so let's clear that up. 24 Are inmates classified at Gallatin 25 County Detention Center?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. Yes. We have -- we had -- and I don't 2 work there anymore, we had a classification system 3 from inmate workers on the low end to disciplinary 4 at the high end and Ad Seg, high, medium, and low 5 in the middle there. 6 Q. So when you say high, medium and low, 7 what's the criteria or differences for those 8 classifications? 9 A. It's a behavior-based jail and depending 10 on what your charges are and what your situation 11 is, that determines where you start in the jail. 12 And how you behave as an inmate and how your time 13 is spent in the jail gets reviewed every 30 days 14 and, possibly, you can bump down a level lower and 15 work your way down to a more comfortable living 16 situation. 17 Q. So in a general sense then, what would 18 it take to bump -- does everybody start at high and 19 then move down or? 20 A. No, they don't. It depends on the 21 charges that you're brought in on, your history and 22 the jail and possibly other criteria. 23 Q. Do you recall -- you said Mr. Briggs was 24 Ad Seg when he got there. After he was out of Ad 25 Seg, do you recall what his classification was at</p>	<p style="text-align: right;">Page 16</p> <p>1 and some fights and defiant behavior. 2 Q. Would Mr. Briggs have ever been placed 3 on low classification? 4 A. Potentially, yeah. 5 Q. How would he have gotten there? 6 A. By behaving and not having issues and 7 disciplinary reports. 8 Q. I kind of want to fast forward, I know 9 you mentioned Mr. Briggs was there for awhile. 10 A. Uh-huh. 11 Q. But this case mostly involves around an 12 incident that happened in roughly April of 2015. 13 Do you recall that incident? 14 A. You'll have to give me more than that. 15 Q. Sure. There was an incident involving 16 an inmate named Smith. 17 A. Okay. 18 Q. Where there was some sort of an 19 altercation. Do you remember that incident? 20 A. I do. 21 Q. And what was your role in that incident? 22 A. So I didn't witness that incident live. 23 I found that while reviewing video footage of the 24 pod that he was housed in after he was discovered 25 to have a bruise on his face. Well, I've written a</p>
<p style="text-align: right;">Page 15</p> <p>1 that time? 2 A. I believe he went to high. 3 Q. And do you recall why he was placed on 4 high classification? 5 A. Because of the nature of his charges. 6 Q. Which were? 7 A. Um, I don't recall exactly what they 8 were. 9 Q. From your recollection then, did 10 Mr. Briggs go through 30 day reviews on his 11 classification? 12 A. He would have gone through 30 day 13 reviews. A lot of the time he was outside of that 14 system because he was getting reviewed every seven 15 days on Monday at the team meeting just because of 16 his situation. 17 Q. Did he ever go below high 18 classification? 19 A. Um, not that I know of. He might have 20 made it to medium. I know he did not make it to 21 low. 22 Q. Do you recall why he didn't make it to 23 low? 24 A. Because he had a lot of issues at the 25 detention center. There were some self harm events</p>	<p style="text-align: right;">Page 17</p> <p>1 report about exactly what I saw on the video. I 2 believe the gist of it is that Briggs was sitting 3 at a table. He was approached by Smith, hit either 4 before or after he stood up, circled around the 5 table on the opposite side from Smith and then 6 Smith locked down and Briggs locked down. 7 Q. So you said you wrote a report. So that 8 would be an accurate recollection of what you saw 9 on the video? 10 A. Yes, my report would be the thing to 11 look at for what I saw happen on video. 12 Q. And were you the person to notice that 13 Mr. Briggs had a black eye? 14 A. I was not. 15 Q. Who was that do you recall? 16 A. I recall just from looking at our notes 17 here that Officer Eckhardt I believe is the first 18 person to notice. 19 Q. And did you have any conversation with 20 Officer Eckhardt about what she noticed? 21 A. I'm sure that I did, but I don't recall 22 the conversation. 23 Q. So then you said you reviewed the video? 24 A. Uh-huh. 25 Q. Did you -- I guess my first question is</p>

<p style="text-align: right;">Page 18</p> <p>1 how long did it take you to go through the video to 2 find that incident?</p> <p>3 A. That can take a few hours. It depends 4 on what kind of a time period you're looking at.</p> <p>5 Q. Did Officer Eckhardt tell you what 6 Mr. Briggs was doing at the time she noticed the 7 black eye?</p> <p>8 A. I'm sure that she did. I don't remember 9 that conversation. I believe from reading her 10 report that it was while taking him to medical to 11 see the nurses.</p> <p>12 Q. You mentioned that you wrote a report. 13 I'm going to hand you three documents. If you 14 could take a look through those and tell me if you 15 recognize them.</p> <p>16 And I have one for you there.</p> <p>17 A. Yes, I do.</p> <p>18 Q. And what are those documents?</p> <p>19 A. The first one is an incident report 20 written by Officer Kohler about a conversation he 21 had with Inmate Briggs regarding his black eye.</p> <p>22 Q. And what's the second document?</p> <p>23 A. It's an incident report written by 24 Officer Eckhardt about when she discovered Briggs' 25 black eye.</p>	<p style="text-align: right;">Page 20</p> <p>1 their own cell and there's a food port in the door 2 that opens.</p> <p>3 Q. Okay.</p> <p>4 A. So that the meds can be passed in to the 5 inmate.</p> <p>6 Q. Okay. Just so I'm clear, the door would 7 be closed, the port would be open and that's how 8 the medication would pass through?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay. So I'm looking at Officer 11 Eckhardt's report here, which I believe was the 12 second document. And she states on April 15th 13 while conducting medication pass, I approached 14 Briggs in cell D101. I asked, "What happened to 15 your eye?"</p> <p>16 He stated, "I caught an elbow in the rec 17 yard?"</p> <p>18 I responded with "ouch that hurts."</p> <p>19 So at that time then Mr. Briggs would 20 have been in his cell; is that correct?</p> <p>21 A. No. She wrote the west slider. That's 22 in the hallway between the pods and where medical 23 is located in the center of the detention center.</p> <p>24 Q. And I guess I'm looking at the second 25 paragraph. Maybe we're confused.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. And then what's the third one?</p> <p>2 A. This is an incident report that I wrote 3 about Eckhardt telling me about the black eye.</p> <p>4 Q. I have a question for you, have you 5 ever -- your role at this facility was a sergeant; 6 am I correct in that?</p> <p>7 A. It says in this report that I was a 8 corporal at the time.</p> <p>9 Q. Corporal.</p> <p>10 A. But I eventually became a sergeant, yes.</p> <p>11 Q. Excuse me, at the time.</p> <p>12 Did you ever -- it mentions a medication 13 pass, did you ever participate in medication pass?</p> <p>14 A. Yes.</p> <p>15 Q. How does that usually happen in a 16 general sense?</p> <p>17 A. A nurse will load up all of the meds in 18 a med cart that she takes to the individual pods 19 where the inmates are housed. And the pod that 20 Briggs was in would be a high security pod so the 21 inmates would lock down and they would take their 22 meds through the food port in their door one at a 23 time as the med cart was walked through the room.</p> <p>24 Q. So the inmate would be inside their pod?</p> <p>25 A. They would be -- the inmate is inside of</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Okay. Yeah, during med pass he would 2 have been in his cell D101.</p> <p>3 Q. Do inmates ever talk between cells?</p> <p>4 A. Yes.</p> <p>5 Q. How do they go about that generally?</p> <p>6 A. Well, depending on where the two cells 7 are located. Sometimes you can hear each other 8 through the walls, sometimes you talk underneath 9 the doors. There's a little gap underneath the 10 door and the rooms are mostly concrete and metal, 11 so sound echos well.</p> <p>12 Q. Sure. So if Mr. Briggs is having this 13 conversation then with Officer Eckhardt, would 14 other inmates be able to hear that conversation?</p> <p>15 A. Yeah, most likely.</p> <p>16 Q. Did you ever do an initial review of the 17 video to investigate Mr. Briggs' claim about 18 catching an elbow in the rec yard?</p> <p>19 A. I don't know the time line of when I 20 reviewed the video footage after this happened.</p> <p>21 Q. But ultimately, you did find that he had 22 had that altercation with Mr. Smith?</p> <p>23 A. Yes.</p> <p>24 MR. BIDDULPH: I guess if we can enter these 25 three as Exhibit 1. Or actually, can we go off the</p>

<p style="text-align: right;">Page 22</p> <p>1 record for two seconds?</p> <p>2 (Whereupon, Deposition</p> <p>3 Exhibit Number 2 was</p> <p>4 marked for identification.)</p> <p>5 MR. BIDDULPH: So we're back on the record.</p> <p>6 Just for the record, we're entering</p> <p>7 these three reports that we just identified as</p> <p>8 Exhibit 2.</p> <p>9 BY MR. BIDDULPH:</p> <p>10 Q. And I want to look at your report, Davy.</p> <p>11 If you could just read to me for the record what</p> <p>12 your narrative was on your report? If we could go</p> <p>13 back here. I believe it's marked as incident</p> <p>14 report number 00002783 at the top.</p> <p>15 A. I, Corporal Lauchnor DC59, was working</p> <p>16 in the Gallatin County Detention Center on 4-14-15.</p> <p>17 In the late afternoon approximately 1640 hours</p> <p>18 Officer Eckhardt DC18 informed me that Inmate</p> <p>19 Briggs #29033 had a black eye and that he didn't</p> <p>20 have it that morning at med pass. I reviewed our</p> <p>21 camera footage and did not see any incident [sic]</p> <p>22 that Mr. Briggs had been attacked by another inmate</p> <p>23 between med pass and when he was brought to the law</p> <p>24 library at approximately 1637 hours when his eye</p> <p>25 was discovered. End of report.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. And was this written after you reviewed</p> <p>2 additional footage?</p> <p>3 A. Yes. It says here that this was written</p> <p>4 on April 27th, 2015.</p> <p>5 Q. So you originally reviewed footage</p> <p>6 regarding rec yard on 4-14-15. So then did you</p> <p>7 wait another, what would that be, week and a half</p> <p>8 to then review additional footage?</p> <p>9 A. The issue came back up and that caused</p> <p>10 me to go and look at a wider -- a larger amount of</p> <p>11 video from a broader time period.</p> <p>12 Q. Why did the issue come back up?</p> <p>13 A. I don't recall exactly.</p> <p>14 Q. Were you instructed to look at</p> <p>15 additional video footage by a superior or another</p> <p>16 officer?</p> <p>17 A. I don't remember.</p> <p>18 Q. Did you just do this on your own?</p> <p>19 A. Yeah, I assume so.</p> <p>20 Q. So then what would have been the cause</p> <p>21 or impetus for you to just take this on yourself?</p> <p>22 A. It was an unresolved issue and it's</p> <p>23 possible that another inmate tipped me off to go</p> <p>24 look or -- I don't recall.</p> <p>25 Q. If it was another inmate, then you don't</p>
<p style="text-align: right;">Page 23</p> <p>1 Q. So then at that time you didn't</p> <p>2 see -- and I guess that's what I was asking: You</p> <p>3 did a video review and you didn't see anything at</p> <p>4 that time?</p> <p>5 A. That's correct.</p> <p>6 Q. Okay. Do you recall if Mr. Briggs was</p> <p>7 written up based on any of these reports?</p> <p>8 A. I think Officer Eckhardt eventually</p> <p>9 wrote him up for lying essentially based on what he</p> <p>10 told her.</p> <p>11 Q. And do you understand why he was written</p> <p>12 up for lying?</p> <p>13 A. Yeah, he told her that he caught an</p> <p>14 elbow in rec.</p> <p>15 Q. Okay. So I want to hand you another</p> <p>16 document and this one is marked Disciplinary</p> <p>17 00002323. And we'll enter this as exhibit -- well,</p> <p>18 I guess I'll first ask you, can you identify that</p> <p>19 document?</p> <p>20 A. This is a disciplinary offense report</p> <p>21 that I wrote about Mr. Briggs.</p> <p>22 Q. And what was the basis for this</p> <p>23 disciplinary offense report?</p> <p>24 A. An altercation between Smith and Briggs</p> <p>25 in the day room of DPOD.</p>	<p style="text-align: right;">Page 25</p> <p>1 recall who that inmate was?</p> <p>2 A. No, I don't.</p> <p>3 Q. Did you have any conversation with</p> <p>4 Mr. Briggs about this incident?</p> <p>5 A. I'm sure that I did.</p> <p>6 Q. Do you recall when that took place?</p> <p>7 A. Before and after this incident report,</p> <p>8 this disciplinary report.</p> <p>9 Q. And so when you spoke with Mr. Briggs, I</p> <p>10 guess what exactly did you ask him and what did he</p> <p>11 say?</p> <p>12 A. "What happened?" And I don't remember</p> <p>13 if he told me about the fight or if he stuck to his</p> <p>14 elbow story.</p> <p>15 Q. Did you ever talk with Mr. -- or Inmate</p> <p>16 Smith about this incident?</p> <p>17 A. I don't recall. It would have made</p> <p>18 sense to do that, but I don't know if I did. It</p> <p>19 doesn't say that I did in this report.</p> <p>20 Q. And just to be clear, did you talk to</p> <p>21 any other inmates that were in that pod at that</p> <p>22 time?</p> <p>23 A. Those would have been the two that I</p> <p>24 would have talked to unless someone else in there</p> <p>25 volunteered something.</p>

<p style="text-align: right;">Page 26</p> <p>1 Q. I'm just curious about the layout of the 2 detention center. It says Mr. Smith, based on your 3 report, was in cell D102 and Mr. Briggs is in D101. 4 Are those two cells next to each other? 5 A. Yes, those two would be adjacent. 6 Q. So if Mr. Briggs was having a 7 conversation with Officer Eckhardt about his black 8 eye, Mr. Smith could hear that conversation? 9 A. Very likely. 10 Q. And this is a disciplinary offense 11 report, these others are incident reports. What's 12 the difference between these two? 13 A. A disciplinary report for a major like 14 this one will be reviewed by a disciplinary team 15 and they'll invite the inmate in to give their side 16 of the story. And then they'll make a ruling on 17 whether or not the inmate is found guilty of the 18 disciplinary or not, and if they're found guilty, 19 how long they'll spend in APOD or what their 20 repercussions will be. 21 Q. And again, I guess for my benefit, if 22 it's an incident report, does it necessarily go to 23 a disciplinary committee? 24 A. No. An incident report is just a 25 written history of what happened and it could be</p>	<p style="text-align: right;">Page 28</p> <p>1 should be disciplined for fighting and physical 2 force? 3 A. In the detention center sometimes both 4 parties in a fight can be held responsible for the 5 fight regardless of what happened. Also, I felt 6 that it was important to lock down Briggs until we 7 figured out what was going on because there may 8 have been more to the fight than what was evident 9 on the video footage. 10 Q. So then I guess there's a lot to unpack 11 there. When you said "lock down" Mr. Briggs, is 12 that a disciplinary lockdown or is he locked down 13 under some other mechanism? 14 A. So when there's a major disciplinary 15 report on someone for something that involves 16 safety of the facility or the inmates or the 17 officers, that inmate will be locked down sometimes 18 in their own cell and sometimes in alpha pod until 19 we can investigate it and figure out what's going 20 to happen next. 21 Q. And is that when this investigation took 22 place, is when Mr. Briggs was locked down? 23 A. Yeah. 24 Q. Okay. And so then what did you see on 25 the video that led you to believe that Mr. Briggs</p>
<p style="text-align: right;">Page 27</p> <p>1 reviewed at a disciplinary hearing, but it doesn't 2 necessarily cause a disciplinary hearing. 3 Q. Are inmates given a copy of an incident 4 report? 5 A. No. 6 Q. Are inmates given a copy of a 7 disciplinary offense report? 8 A. They are. 9 Q. And it looks to me as though this was 10 provided to Mr. Briggs; is that correct? 11 A. It would have been, yes. 12 Q. Is that why his signature is at the 13 bottom? 14 A. Yep. 15 Q. When you write a disciplinary report, do 16 you make a recommendation then for I guess the 17 violation and/or any sort of disciplinary action? 18 A. The violation, yes, is an important part 19 of the disciplinary report, but the recommendation 20 for what happens is totally up to the disciplinary 21 hearing. 22 Q. And then what did you recommend as a 23 violation on this -- for this incident? 24 A. Fighting and physical force. 25 Q. Why did you recommend that Mr. Briggs</p>	<p style="text-align: right;">Page 29</p> <p>1 was fighting or using physical force, I guess, 2 which would result in discipline? 3 A. The video doesn't show Mr. Briggs being 4 the aggressor at all. 5 Q. Okay. So then why would he be 6 disciplined for fighting or physical force? 7 A. I was aware of another fight that 8 happened between Briggs and another inmate where he 9 was actively taunting the other inmate and it was 10 also a topic of discussion at team meetings, that 11 Briggs was attempting to control his environment by 12 choosing who could live with him and where he was 13 living. 14 Q. What do you mean by that? 15 A. Often times inmates will try to control 16 who gets to live with them by getting people kicked 17 out of the pod that they're living in that they 18 don't get along with. 19 Q. And in a general sense, how would an 20 inmate control who gets to live with them? 21 A. You might -- it might say that someone 22 was suicidal to get them pulled out and put on 23 suicide watch. They might try to start a fight 24 with them and look like the victim so that the 25 other person's put on disciplinary. They might</p>

<p style="text-align: right;">Page 30</p> <p>1 write us kites saying that someone was being 2 aggressive towards them so that they would be a 3 kept separate put in place. There are a lot of 4 different methods that an inmate might try and use 5 to get someone removed from the pod. 6 Q. I guess specific to Mr. Briggs, what was 7 the basis for the belief that he was trying to 8 control his placement? 9 A. His interactions with officers and other 10 inmates and his history in the detention center. 11 Q. Can you recall any specifics? 12 A. I can remember after the disciplinary 13 that Waliser wrote -- I don't remember Waliser's 14 rank at the time -- that it was surmised that he 15 may have been trying to control whether or not 16 Inmate Steele got to live with him or not through 17 the fight. 18 Q. So on your review of this video, did you 19 ever see Mr. Briggs strike Mr. Smith? 20 A. I did not. 21 Q. Did you ever see Mr. Briggs 22 verbally -- or taunt Mr. Smith? 23 A. No. 24 Q. Is there any audio on the recording? 25 A. No. In order for audio to be recorded</p>	<p style="text-align: right;">Page 32</p> <p>1 A. An inmate will try and rule a pod by 2 intimidating other inmates, maybe taking their 3 desserts or other things like that. 4 Q. So is it usually through physical acts? 5 A. It can be, yeah. 6 Q. Could it also be mental? 7 A. Sure. 8 Q. Or emotional? 9 A. Right. 10 Q. Do you know if Mr. Smith was bulldogging 11 Mr. Briggs? 12 A. I don't. 13 Q. Was there any reports or evidence that 14 Mr. Briggs was bulldogging Mr. Smith? 15 A. Not that I'm aware of. 16 Q. Do you recall the sizes, the physical 17 stature of the two gentlemen? 18 A. I remember what Briggs looks like. I 19 don't remember Smith. There were too many Smiths. 20 Q. Do you recall if one was larger than the 21 other? 22 A. I don't. 23 Q. Did you have any conversations with 24 Officer Taylor or -- I want to get his name 25 right -- Slyngstad?</p>
<p style="text-align: right;">Page 31</p> <p>1 someone would have had to press one of the intercom 2 buttons or it would have been turned on from the 3 central control computer. 4 Q. So would you have any basis to know if 5 he was verbally taunting Mr. Smith? 6 A. I would not. 7 Q. So then would Mr. Briggs then be 8 considered a victim of an assault by Mr. Smith? 9 A. He could be, and it deserved more 10 attention and more review. That's why I wrote this 11 report. 12 Q. I may have already asked though, did you 13 talk with Mr. Smith at all? 14 A. I don't remember if I did or not. 15 Q. Do you know if Mr. Smith was taunting 16 Mr. Briggs at all? 17 A. I do not. 18 Q. Do you know if Mr. Smith was calling 19 Mr. Briggs any sort of names? 20 A. I do not. 21 Q. I see in a few places in his criminal 22 justice file a term called bulldogging, are you 23 familiar with that? 24 A. I am, yes. 25 Q. Okay. What is bulldogging?</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Slyngstad was my sergeant at the time 2 and Officer Taylor was on our shift. He was part 3 of the disciplinary committee I believe. 4 Q. And did Sergeant Slyngstad and -- is 5 Taylor also a sergeant or is he a -- 6 A. Taylor is an officer. 7 Q. An officer. 8 Were those two on the disciplinary 9 committee for Mr. Briggs? 10 A. I don't recall. I don't have a copy of 11 the disciplinary paperwork, but their names would 12 be on it if they were there. 13 Q. Okay. But did you speak to either of 14 them about this incident? 15 A. I'm sure that I did. 16 Q. Do you know if either of them reviewed 17 the video of this incident prior to his 18 disciplinary hearing? 19 A. Yeah, they would have done that. I 20 don't know for sure that they did, but that's part 21 of the disciplinary process. 22 Q. I guess just to be clear, do you know 23 for certain, did they review the video? 24 A. I do not know for certain. 25 Q. Okay. That's what I want to be clear</p>